

REMARKS

After entry of this Amendment, claims 3-26 are pending and are presented for reconsideration. By this Amendment, claims 1 and 2 are canceled without prejudice or disclaimer, claims 3-9 are amended, and claims 15-26 are added. No new matter is added.

The drawings were objected to for failing to include a legend such as "prior art." Applicant respectfully traverses this objection. Figure 1 is labeled "related art" and Figure 3 is not labeled because it describes an embodiment of the present invention. Thus, Applicant submits that the Figures are properly labeled. Accordingly, Applicant respectfully requests the withdrawal of the objection to the drawings.

Claim 1 was rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's alleged admitted prior art. This rejection is moot as claim 1 has been canceled without prejudice or disclaimer.

Claims 2, 3, and 5-10 were rejected under 35 U.S.C. §103(a) as being patentable over the Applicant's allegedly admitted prior art in view of U.S. Patent No. 6,084,884 to Adachi ("Adachi"). This rejection is respectfully traversed.

Claims 2 has been canceled without prejudice or disclaimer rendering this rejection moot as to those claims. As an initial matter, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness because the Examiner has failed to show any motivation within the references that would lead one of ordinary skill to combine these two teachings.

Applicant submits that Adachi, alone or in combination with the related art discussed in the specification, fails to teach or suggest each and every feature recited in the claims. The claimed invention is directed towards a method for controlling call access in a communication system wherein a base station broadcast call access control information to a plurality of mobile stations. The call access control information can include interference information and code class information. The interference information may be information on the interference level of a reverse link and the code class information may be information on at least one code class that represents a set Walsh codes assigned to the plurality of mobile stations and classified based on transmission rate. The related art discussed in the specification describes communication systems where the base station merely transmits interference information representing the interference level of a reverse link.

The related art, similar to Adachi and Hodzic, only receives interference information from the base station. When a mobile station wants to request call access, the mobile station determines if call access is allowable based on the interference information received. If the interference information received indicates that call access is allowable, the mobile station then requests call access from the base station. The base station in turn determines an available code class and transmits an identification of that code class to the mobile station. The mobile station then initiates a call using the code class indication received. These types of systems require that the mobile station utilize the communication resources to query the base station for a code class assignment prior to initiating every call. In contrast, the claimed invention broadcast code class

information to each mobile station so that the mobile station can determine an available code class without using the communication system resources to query the base station for an assigned code class.

For example, claim 21 recites broadcasting from a base station call access control information to a plurality of mobile stations, the call access control information including interference information and code class information. Claim 23 further recites performing a call access request based on the call access control information received at one of the plurality of mobile stations. As discussed in the instant application, the related art described does not broadcast from a base station call access control information that includes code class information. See generally page 2, line 20 - page 4 line 3 and specifically page 5, lines 1-6.

Furthermore, Adachi fails to teach or suggest broadcasting code class information to a plurality of mobile stations. In fact, Adachi does not even deal with the access information transmitted between a base station and mobile stations. Adachi is only directed to a method of generating and selecting spreading sequences for use in a multi-rate CDMA communications system. In other words, Adachi merely teaches generating a spreading sequence for use in a CDMA communication system without regard to controlling call access between a base station and a mobile station.

Applicant submits that Adachi, alone or in combination with the described related art, fails to teach or suggest each and every feature recited in claim 21. Claims 3, 5-9, and 23 depend from claim 21 and claim 10 recites features similar to 21. Therefore, Applicant submits that Adachi,

alone or in combination with the described related art, fails to teach or suggest each and every feature recited in claims 3 and 5-10 for at least the reasons given with respect to claim 21 as well as their additional features. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 3 and 5-10 under 35 U.S.C. §103(a) in view of the allegedly admitted prior art and Adachi.

Claims 4 and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Applicant's allegedly admitted prior art and Adachi in view of U.S. Patent No. 6,097,707 to Hodzic, *et al.* ("Hodzic"). This rejection is respectfully traversed.

As an initial matter, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness because the Examiner has failed to show any motivation within the references that would lead one of ordinary skill to combine these references.

Applicant submits that Hodzic, alone or in combination with Adachi and the related art discussed in the specification, fails to teach or suggest each and every feature recited in the claims. The claimed invention is directed towards a method for controlling call access in a CDMA communication system using Walsh codes wherein a base station broadcast call access control information to a plurality of mobile stations. Hodzic is a TDMA system that does not deal with Walsh codes.

In addition, Hodzic only receives interference information from the base station. Hodzic discloses a wireless system with a central station that controls access through a time division multiplex process. Hodzic relies on time slots to transmit and receive information in the system

and does not have any need of code class information. Therefore, Hodzic does not teach or suggest transmitting code class information to the mobile stations. The office action cites to col. 11, line 62 to col. 12, line 12 as allegedly teaching keeping track of codes in a code table. However, Hodzic is describing a pseudo-noise code (PN code - a pseudo random binary number) used to spread a data signal over a wider spectrum.

PN codes are not Walsh codes. Furthermore, the Examiner alleges that once you keep track of a code in a table, it is trivial to determine if the complete set of Walsh codes for a given code length is currently in use. Applicants strongly disagree and submit that Hodzic does not even deal with Walsh codes nor does it deal with transmitting the code class information to the mobile stations for use.

Applicant submits that Hodzic, alone or in combination with Adachi and the described related art, fails to teach or suggest each and every feature recited in the claims. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4 and 11-14 under 35 U.S.C. §103(a) in view of the allegedly admitted prior art, Adachi, and Hodzic.

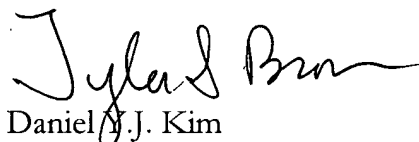
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes

would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Tyler S. Brown, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "Daniel J. Kim", is written over the typed name.

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Amended Claims With Mark-ups to Show Changes Made

3. (Amended) The method as claimed in claim [2] 23, wherein the interference information of the reverse link compares overall received power from the plurality of mobile stations in the cell or sector of the base station with a predefined threshold value, and then selectively indicates whether a current reverse channel is idle or busy.
4. (Amended) The method as claimed in claim [2] 23, wherein the information of the code classes indicates individually whether the state of each code class is idle or busy.
5. (Amended) The method as claimed in claim [2] 24, wherein the information includes information on a plurality of code classes have relative priority orders if a code length of each code class is different.
6. (Amended) The method as claimed in claim [2] 23, wherein the call access information are transmitted through a broadcasting channel per super frame period.
7. (Amended) The method as claimed in claim [2] 23, wherein the call access information are transmitted through a paging channel per slot cycle period.

8. (Amended) The method as claimed in claim [2] 23, wherein the mobile station uses a code class having the highest priority if the mobile station requests call access of the base station.

9. (Amended) The method as claimed in claim [2] 23, wherein, if the reverse link included in the call access control information, the mobile station identifies the state of an individual resource of the code class so as to implement call access using a code class assigned to oneself among code classes which are idle.